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Comprehensive dialogue with United Nations agencies and funds

Information received from the United Nations system and other intergovernmental organizations

Note by the secretariat

Summary

The present note contains a summary of the 14 reports submitted by the United Nations system and other intergovernmental organizations to the Permanent Forum on Indigenous Issues on the progress in the implementation of recommendations of the Permanent Forum. The full reports are available on the Permanent Forum website (http://www.un.org/esa/socdev/unpfii).

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I. Introduction

1. In October 2010, the secretariat of the Permanent Forum on Indigenous Issues sent a questionnaire to United Nations agencies and other intergovernmental organizations enquiring about their activities in relation to indigenous peoples' issues. Responses were submitted in written form by the Department of Political Affairs and the Department of Public Information of the Secretariat, the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), the World Intellectual Property Organization (WIPO), the World Health Organization (WHO), the secretariat of the Convention on Biological Diversity, the secretariat of the United Nations Framework Convention on Climate Change, the United Nations Children's Fund (UNICEF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Labour Organization (ILO) and the World Food Programme (WFP). The full reports are available on the Permanent Forum website (http://www.un.org/esa/socdev/unpfii). Summaries of the responses are set out in the sections below.

II. Department of Political Affairs

2. The Department of Political Affairs is the lead department within the Secretariat devoted to political analysis, peacemaking and preventive diplomacy. It is often called upon to assist Governments in addressing political or institutional crises, social tensions or controversies involving neighbouring States. As part of its policy on mediation, the Department has incorporated the United Nations Development Group Guidelines on Indigenous Peoples' Issues into the information package for special envoys and mediators.

3. The Department of Political Affairs has hired an expert on indigenous peoples' land issues to support the work of the Mediation Support Unit's standby team of experts to develop guidance material and make an inventory of possible future needs in the area of technical support. In December 2010, the Department helped the Conflict Prevention and Peace Forum to organize a one-day meeting on the situation of indigenous peoples in Latin America.

III. Department of Public Information

4. The Department of Public Information worked in close cooperation with the secretariat of the Permanent Forum on Indigenous Issues in connection with three major events in 2010. In January 2010, the Department promoted the launch of the publication *State of the World's Indigenous Peoples*, producing a press kit in English, French, Russian and Spanish. United Nations information centres throughout the world organized media launches. The Department also published a multi-language press kit for the ninth session of the Permanent Forum; conducted media outreach; and supported the promotion and organization of a screening of the film *Avatar* during the session. It also supported the forum secretariat in showcasing indigenous film-makers during the observance of the International Day of the World's Indigenous People at United Nations Headquarters on 9 August.

5. The Department of Public Information highlighted indigenous issues by webcasting the meetings of the Permanent Forum on the United Nations website, and through the production of programming for United Nations Television and United Nations Radio. In 2010, the United Nations News Centre produced nearly 100 stories on indigenous peoples, in English and French. In addition, the Department, which has field offices in all seven regions covered by the Forum, organized activities in more than 20 United Nations information centres throughout the world to promote indigenous peoples' issues, including the activities carried out by the United Nations Information Centre in Bogota in support of the Forum visit to Colombia in July 2010.

IV. United Nations Population Fund

6. The activities of UNFPA have focused on promoting indigenous peoples' rights, including reproductive rights, through support for increased access for indigenous peoples to enhance quality "intercultural" reproductive health services, with an emphasis on pertinent policies, norms and improved services, aimed largely at addressing maternal mortality among indigenous women. UNFPA has also worked on supporting indigenous youth, and has contributed to advancing gender equality and empowerment among indigenous women and their organizations, while also targeting adolescents and other young people. Through research studies and the collection and dissemination of data and the promotion of their use, UNFPA has contributed to increasing the knowledge base regarding the situation of indigenous peoples, in particular women, in Latin America, Asia and Africa.

7. UNFPA is in the process of adopting a corporate strategy on indigenous issues. This strategy is grounded in the Universal Declaration of Human Rights, the United Nations Declaration of the Rights of Indigenous Peoples and other international human rights instruments. The goals of the resulting strategy are twofold: (a) to identify strategic priorities forming the core of UNFPA programming efforts related to indigenous peoples; and (b) to lay out the principal elements of an operational plan for implementing and following up on the framework, with emphasis placed on creating an enabling environment for indigenous peoples and networks, as well as on capacity development and partnership. The intention is to create a practical framework and establish a set of unified criteria for UNFPA programming and policymaking.

8. The UNFPA report on the follow-up to the recommendations of the Permanent Forum contains an overview of the Fund activities and programmes regarding indigenous peoples' issues in some 20 countries in Latin America and the Caribbean, Asia and Africa.

V. International Fund for Agricultural Development

9. IFAD approved 12 new projects supporting indigenous and tribal peoples, ethnic minorities and pastoralists, and three small grants formulated specifically to support indigenous peoples, amounting to a total of approximately $106.5 million. Ten other small grants approved by IFAD targeted indigenous peoples as part of a larger beneficiary group of rural people living in poverty.

10. IFAD also maintained its active role within the Inter-Agency Support Group for Indigenous Peoples' Issues and continued its strong partnership with the Permanent Forum. The Fund's policy of engagement with indigenous peoples provides for the principle of free, prior and informed consent to be systematically applied in all of its operations. In its work with indigenous peoples' communities, IFAD often goes beyond mere "consent", in particular in the context of community-driven projects. The participation and inclusion of indigenous peoples often take the form of co-creation and co-management, whereby communities decide their own priorities on the basis of a demand-driven approach.

11. At its ninth session, the Permanent Forum recommended that IFAD establish an indigenous peoples' forum as part of the implementation of its policy on indigenous peoples. In 2010 the Fund initiated a process leading towards the establishment of such a forum. The first step towards its establishment was a two-day workshop organized at IFAD headquarters on 17 and 18 February 2011. The overall aim of the indigenous peoples' forum is to advance the participation of indigenous peoples in IFAD discussions and programmes that have an impact on them. IFAD also carried out a number of activities in support of indigenous women, including supporting the first Global Gathering of Women Pastoralists, in Gujarat, India, in November 2010.

VI. World Intellectual Property Organization

12. Negotiations are currently under way regarding an international legal instrument (or instruments) for the effective protection of genetic resources, traditional knowledge and traditional cultural expressions in the framework of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Committee is to submit to the General Assembly of WIPO in 2011 the text (or texts) of an international legal instrument (or instruments) to ensure the effective protection of genetic resources, traditional knowledge and traditional cultural expressions.

13. States Members of WIPO have stressed the priority attached to facilitating and enhancing the participation and direct involvement of the Permanent Forum and indigenous representatives in the work of WIPO and its Intergovernmental Committee. Accordingly, WIPO has extended a formal invitation to the Forum to take part in sessions of the Committee. A fast-track accreditation procedure for all non-governmental organizations, including indigenous organizations, has been in place since the first session of the Committee, in 2001. In 2005, the General Assembly of WIPO established the WIPO Voluntary Fund for Accredited Indigenous and Local Communities in order to enhance participation in the sessions. As of December 2010, funding had been provided in 99 instances. A replenishment campaign has been launched in order to ensure the continuity of the Fund, at least until the end of the current (2010-2011) mandate.

VII. World Health Organization

14. WHO organized and hosted the annual meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues at the organization's headquarters on 16 and 17 September 2010, at which the link between the health of indigenous peoples and

economics and social development in a broader context was addressed. WHO also hosted a visit by members of the Permanent Forum to its headquarters on 15 September 2010, which strengthened the involvement of a number of WHO departments.

15. Although WHO does not have a specific policy on indigenous peoples' issues, a number of World Health Assembly resolutions mandate the organization specifically to address the health of indigenous peoples. Accordingly, WHO is involved in a number of projects and research initiatives in cooperation with indigenous peoples, including the "Stop TB" initiative, which has enjoyed the support of the Permanent Forum. The full report of WHO contains information about a number of other activities conducted by WHO at both the headquarters and the regional levels.

VIII. Secretariat of the Convention on Biological Diversity

16. A major accomplishment at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity was the adoption of the Nagoya Protocol to the Convention, on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization. Indigenous and local communities participated, including through representation in Government delegations, throughout the negotiation process. The purpose of the Protocol is to effectively implement one of the three core objectives of the Convention: the fair and equitable sharing of benefits arising from the utilization of genetic resources. It builds on the access and benefit-sharing provisions of the Convention.

17. Regarding article 8 (j) of the Convention and related provisions, the Conference of the Parties requested the secretariat to continue its work on sui generis systems by collating and analysing information, including evidence about the effectiveness of sui generis measures that have been taken at the local, subnational, national or regional levels. An essential element of sui generis systems is prior and informed consent.

18. Also at its tenth meeting, the Conference of the Parties finalized negotiations on and adopted the Code of Ethical Conduct on respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity ("Tkarihwaié:ri Code of Ethical Conduct"), and invited parties and Governments to make use of its elements to guide the development of model codes of ethical conduct for research on, access to and the use, exchange and management of information concerning traditional knowledge. The Code of Conduct provides for prior informed consent and/or approval and involvement.

19. The Conference of the Parties also adopted a revised multi-year programme of work relating to article 8 (j). This included the initiation of new tasks related to the recently adopted Nagoya Protocol and its implementation, such as: (a) developing guidelines for benefit-sharing and obtaining prior informed consent from indigenous and local communities; (b) identifying the obligations of provider and user countries; and (c) developing guidelines for the national implementation of article 8 (j) and related provisions and standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources. The Conference of the Parties also decided to initiate work on the

development of guidelines for the repatriation of information, including cultural property.

20. The Conference of the Parties also adopted two additional indicators regarding traditional knowledge to complement the indicator already adopted on status and trends in traditional languages: (a) status and trends in land-use and land tenure in the traditional territories of indigenous and local communities and (b) status and trends in practice of traditional occupations. Future work in this area will include the consideration of indicators for customary sustainable use (article 10 (c)).

IX. International Organization for Migration

21. Over the past year, 56 projects have been implemented by IOM in Colombia and Ecuador with respect to indigenous peoples' issues. Projects implemented by OAM in 2010 to assist indigenous peoples' communities were aimed at improving food security conditions and access to education, enhancing income generation and promoting institutional strengthening. Under the IOM internally displaced population programme in Colombia, a total of 24 projects were targeted at improving living conditions within indigenous communities. Under the programme to support child ex-combatants and prevent the recruitment of children by illegal armed groups, IOM implemented a total of 20 projects in Colombia aimed at preventing the recruitment of indigenous children by illegal armed groups. IOM has also worked with local organizations to mitigate the effects of violence and forced displacement on indigenous families under IOM-Colombia disarmament, demobilization, reintegration and reparations programme.

22. The IOM land protection programme has worked with indigenous communities in Colombia since 2005. In 2010, the programme published a guide for the protection of indigenous peoples' rights to their lands. A training plan was also targeted at governmental institutions in charge of the protection of indigenous territories. Under the project, a methodology was designed for processing applications to secure indigenous peoples' rights to their territories. In Ecuador, IOM projects have focused on access to potable water and sanitation. The full report from IOM contains more detailed information on these and other activities.

X. World Food Programme

23. WFP assistance is based on food insecurity, not on the social or ethnic/cultural status of an individual. Therefore, at the global level, WFP does not have specific programmes aimed at indigenous peoples, unless they are food-insecure. In the Congo, WFP is currently providing assistance to pygmies, many of whom are refugees from the Democratic Republic of the Congo. Recognizing their marginalized and vulnerable situation, WFP has considered various measures to prevent discrimination against pygmies during the distribution of food to refugees. Other efforts are aimed at supporting the new law of the Government of the Congo on the protection and promotion of the rights of indigenous peoples in the country. In the Democratic Republic of the Congo, similar efforts have been made by WFP to ensure that its assistance reaches the pygmy peoples, despite their marginalized status.

XI. United Nations Framework Convention on Climate Change

24. The secretariat of the United Nations Framework Convention on Climate Change reports that its implementation of the recommendations of the Permanent Forum is guided primarily by the mandate given by States parties, as well as the commitment of the President of the Conference of the Parties. At its ninth session, the Permanent Forum made a recommendation to the Ad Hoc Working Group on Long-term Cooperative Action under the Convention. The progress made on this front can be seen in the many references to indigenous peoples' issues contained in the decision on the outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, adopted at the sixteenth session of the Conference of the Parties and the sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol. At the same sessions, the Conference of the Parties adopted a decision entitled "Progress in, and ways to enhance, the implementation of the amended New Delhi work programme on article 6 of the Convention", in which the parties are invited to undertake a number of actions, including fostering the participation of indigenous peoples in decision-making on climate change at the national level and their attendance at intergovernmental meetings.

XII. Food and Agriculture Organization of the United Nations

25. In August 2010, FAO took a major step forward in its work with indigenous peoples when it adopted its policy on indigenous and tribal peoples. The policy was prepared through a collaborative and global effort involving the FAO inter-departmental working group on indigenous issues, in close consultation with indigenous representatives, the Permanent Forum on Indigenous Issues, FAO management and staff, other United Nations agencies and numerous individual experts, including the former United Nations Special Rapporteur on the Rights of Indigenous Peoples. It is based on international legal instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and guides FAO work concerning indigenous peoples.

26. FAO engagement on indigenous issues has been increasing in recent years, motivated by the growing affirmation of indigenous rights around the world, and in response to strengthened commitments on the part of national authorities. Implementation of the recommendations of the Permanent Forum is taken very seriously. Most of them have been taken up over the years, with some being carried out through projects and activities that are ongoing. Projects are implemented in many countries with which FAO has an ongoing collaboration and where indigenous communities live. Many FAO projects build on skills, knowledge, capacities and institutions which people already have and which can form the basis of greater and more secure food production and/or income-generating activity.

27. Many FAO projects which relate to indigenous peoples and the environment do so in their promotion of biological and cultural diversity as the underpinnings of food and livelihood security as well as quality of life. The most exemplary of these is the ongoing Globally Important Agricultural Heritage Systems project. The aim of this initiative is to reinforce the underlying ecological and socio-cultural features that have sustained these systems throughout history.

XIII. United Nations Children's Fund

28. UNICEF is actively engaged with the Permanent Forum and is an integral member of the Inter-Agency Support Group on Indigenous Peoples' Issues. Guided by the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, UNICEF is very active at the national level. The Fund's field presence places the organization in a strategic position to promote and protect the rights of marginalized and excluded children and women, including those from indigenous backgrounds.

29. Despite widespread efforts with and for indigenous children, UNICEF action currently lacks a specific organizational policy defining the Fund's position with respect to indigenous issues, the nature of its commitment and the specific processes that guide its work. A strategic framework on indigenous children would help to convey the commitment of UNICEF to working with indigenous peoples, give visibility to its activities and provide a framework for stronger support. The Fund's priority in 2011 will be the development of a programme strategy on indigenous and minority issues to guide country offices in programming in this field.

30. UNICEF is implementing a number of recommendations of the Permanent Forum on issues such as migration, climate change, adolescent suicide, reproductive health services, intercultural bilingual education, data collection and birth registration. UNICEF will be participating in an in-depth dialogue with the Permanent Forum at its tenth session, and has prepared an overview of its activities, which is contained in document E/C.19/2011/7.

XIV. Joint United Nations Programme on HIV/AIDS

31. Indigenous peoples constitute a population that is often stigmatized, subjected to discrimination and difficult to reach with programmes and services. This reality explains in part why there is little data on how HIV affects indigenous peoples and why its incidence among them is often higher than it is among non-indigenous peoples. In an effort to more systematically track HIV-related vulnerability among and programming for indigenous peoples, the current survey of UNAIDS country coordinators includes questions regarding how countries are reaching indigenous peoples with HIV prevention, care, support and treatment services, and the role of the United Nations in supporting those efforts.

32. Since its inception, UNAIDS has assisted countries in putting in place a human-rights-based approach to the epidemic. UNAIDS is also guided by the principle "know your epidemic, know your response", which informs action and investment in HIV prevention, treatment, care and support. The analysis of the 2010 survey of UNAIDS country coordinators will inform future decisions about possible capacity-building programmes relating to indigenous peoples' issues for the benefit of UNAIDS headquarters and country staff.

XV. International Labour Organization

33. In 2010, ILO, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme established a joint initiative, the United Nations Indigenous Peoples' Partnership. This inter-agency initiative will focus on joint programmes at the country level, with strategic interventions at the regional and international levels. In the spirit of "delivering as one", the partnership will be open to other United Nations agencies, and United Nations resident coordinators will have a strategic role to play in providing support and leadership and ensuring coordination within the United Nations country teams, as well as its inclusion in common country assessments and United Nations Development Assistance Frameworks. The three initiating agencies have also established a multi-donor trust fund to mobilize and manage resources, which will be used under the guidance of a policy board, which will include indigenous experts in consultation with the Permanent Forum, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples. The partnership is expected to be fully operational early in 2012.

34. In response to a recommendation by the Permanent Forum, ILO has invested time and resources in the preparation of a draft report on indigenous experts employed within the United Nations system, which is being finalized and will be submitted to the United Nations Permanent Forum on Indigenous Issues.

35. ILO has a specific normative mandate in the area of indigenous peoples' rights, through its responsibility for the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, of 1957 (No. 107), and the Convention concerning Indigenous and Tribal Peoples in Independent Countries, of 1989 (No. 169). A number of other ILO instruments are indirectly related to the protection of the rights of indigenous peoples, including the Convention concerning Discrimination in Respect of Employment and Occupation, of 1958 (No. 111); the Convention concerning Forced or Compulsory Labour, of 1930 (No. 29); the Convention concerning the Abolition of Forced Labour, of 1957 (No. 105); the Convention concerning Minimum Age for Admission to Employment, of 1973 (No. 138); and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 1999 (No. 182). These instruments are among the organization's fundamental Conventions, and as such they are of relevance to indigenous peoples. Moreover, they have been very broadly ratified by the States members of ILO, and therefore can be used by indigenous peoples as tools for the protection of their rights in countries that have not yet ratified Convention No. 169, which, to date, has been ratified by 22 countries, following the latest ratifications in August 2010 by Nicaragua and the Central African Republic. The latter is the first African country to have ratified Convention No. 169.